

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

August 24, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00261HG

CASE NAME: U.S.A. v. (01) JAMES TROIANO

ATTYS FOR PLA: Clare E. Connors
Charlie Pang (ATF Case Agent)
Brian Johnson (HPD Case Agent)

ATTYS FOR DEFT: Walter R. Schoettle

U.S.P.O: Neil Tsukayama

JUDGE: Helen Gillmor

REPORTER: Debra Chun

DATE: August 24, 2006

TIME: 3:00 - 4:15

COURT ACTION: SENTENCING AS TO DEFENDANT (01) JAMES
TROIANO TO COUNTS 1, 2, 3, AND 4 OF THE
SUPERSEDING INDICTMENT
(AFTER A TRIAL) -

The defendant is present in custody.

Allocution by the defendant.

ADJUDGED: Impr of 17 years as to each of Counts 1, 2, and 4 to be served concurrently with each other, followed by a 7 year term as to Count 3, to be served consecutively to the terms imposed for Count 1, 2, and 4, for a total of 24 years imprisonment.

SUPERVISED RELEASE: 5 yrs as to each of Counts 3 and 4, and 3 yrs as to each of Counts 1 and 2, with all terms to run concurrently, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).

3. That the defendant not possess illegal controlled substances (mandatory condition).
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That restitution of \$14,460, with credit for money already returned to the victim, is owed jointly and severally with Wendell K. Toki and Tony Esparza, and is due immediately to M.A., c/o Clerk's Office, and any remaining balance, upon release from confinement to be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office, but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
11. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$400.00.

Advised of rights to appeal the sentence, etc.

RECOMMENDATIONS: Defendant has physical and mental health problems that should be addressed at a suitable medical facility prior to making a permanent placement. After stabilization, recommend a facility in the state of Washington at the lowest appropriate security level. That the defendant participate in drug treatment, educational and vocational training programs. To the extent possible, this sentence should be served concurrently with the undischarged term of imprisonment in the state court.

The following certified documents are marked and received in evidence:

Exhibit #1

CR 89-0288 State of Hawaii v. James E. Troiano
COMPLAINT filed on February 24, 1989

Exhibit #2

CR 91-1848 State of Hawaii v. James Edward Troiano
COMPLAINT filed on July 29, 1991

Exhibit #3

CR 98-0817 State of Hawaii v. James Edward Troiano
COMPLAINT filed on April 15, 1998

Exhibit #4

CR 91-2291 State of Hawaii v. James Edward Troiano
INDICTMENT filed on September 3, 1991

(The exhibits are located in the Exhibit Room along with the trial exhibits.)

Submitted by: Mary Rose Feria, Courtroom Manager

Submitted by: David H. Hisashima, Courtroom Manager